

# SENATE BILL NO. 159

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

0723S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapters 161 and 173, RSMo, by adding thereto two new sections relating to medical mandates in educational institutions, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapters 161 and 173, RSMo, are amended by  
2 adding thereto two new sections, to be known as sections 161.581  
3 and 173.581, to read as follows:

**161.581. 1. As used in this section, the following  
2 terms mean:**

3 (1) "COVID-19", any disease or health condition caused  
4 by the novel coronavirus named "SARS-CoV-2", the  
5 international outbreak of respiratory disease named  
6 "coronavirus disease 2019" and abbreviated as "COVID-19", or  
7 any variant of or virus mutating from SARS-CoV-2 or COVID-19;

8 (2) "COVID-19 vaccine", a substance used to stimulate  
9 the production of antibodies and provide protection against  
10 COVID-19, prepared from the causative agent of COVID-19, its  
11 products, or a synthetic substitute, and treated to act as  
12 an antigen without inducing a COVID-19 infection;

13 (3) "Public school", the same definition as in section  
14 160.011;

15 (4) "School district", the same definition as in  
16 section 160.011;

17 (5) "School employee", any teacher, substitute  
18 teacher, supervisor, principal, supervising principal,

19 superintendent, assistant superintendent, or other  
20 individual who is employed by a school district or a public  
21 school.

22 2. Beginning in the 2023-24 school year and for each  
23 subsequent school year, no school district, public school,  
24 or school employee shall require any school employee or any  
25 student of such school district or public school to:

26 (1) Receive any COVID-19 vaccine or gene therapy  
27 treatment before being physically present at any of the  
28 school district's or public school's events, premises, or  
29 facilities;

30 (2) Receive any COVID-19 vaccine or gene therapy  
31 treatment before being accepted for employment by the school  
32 district or public school or as a condition of acceptance as  
33 a student in the school district's public schools; or

34 (3) Submit to any testing for COVID-19 without the  
35 express written consent of the school employee or, in the  
36 case of a student, all parents, guardians, or other persons  
37 having control and custody over the student.

38 3. (1) The department of elementary and secondary  
39 education shall investigate any report of a violation of  
40 this section. If the department determines that any school  
41 district, public school, or school employee has violated  
42 this section, the department shall notify the violator of  
43 the violation and order the violator to immediately cease  
44 and desist any further activity in violation of this section.

45 (2) If a school employee violates this section and  
46 such school employee possesses a certificate of license to  
47 teach in the public schools of this state, the department  
48 shall fine such employee in an amount not to exceed five  
49 thousand dollars for each violation. The department may

50 suspend or revoke such school employee's certificate of  
51 license under chapter 168.

52 (3) Any student, parent or guardian of such student,  
53 other family member of such student, or school employee may  
54 bring a civil action against a violator of this section for  
55 appropriate injunctive relief or actual damages, or both,  
56 for any physical, mental, or emotional injuries sustained by  
57 such individual as a result of a school district's, public  
58 school's, or school employee's violation of this section.  
59 Such action shall be brought in the county where the  
60 violation occurred, and the court shall award damages and  
61 court costs to a prevailing plaintiff.

173.581. 1. As used in this section, the following  
2 terms mean:

3 (1) "COVID-19", any disease or health condition caused  
4 by the novel coronavirus named "SARS-CoV-2", the  
5 international outbreak of respiratory disease named  
6 "coronavirus disease 2019" and abbreviated as "COVID-19", or  
7 any variant of or virus mutating from SARS-CoV-2 or COVID-19;

8 (2) "COVID-19 vaccine", a substance used to stimulate  
9 the production of antibodies and provide protection against  
10 COVID-19, prepared from the causative agent of COVID-19, its  
11 products, or a synthetic substitute, and treated to act as  
12 an antigen without inducing a COVID-19 infection;

13 (3) "Employee", any individual who is employed by an  
14 institution of higher education;

15 (4) "Institution of higher education", any institution  
16 of postsecondary education that receives any public funding  
17 and is subject to any governance or regulation by the  
18 coordinating board of higher education under state law.

19           2. Beginning in the 2023-24 academic year and for each  
20 subsequent academic year, no institution of higher education  
21 or employee shall require any employee or student to:

22           (1) Receive any COVID-19 vaccine or gene therapy  
23 treatment before being physically present at any of the  
24 institution's events, premises, or facilities;

25           (2) Receive any COVID-19 vaccine or gene therapy  
26 treatment before being accepted for employment by the  
27 institution or as a condition of acceptance as a student at  
28 the institution; or

29           (3) Submit to any testing for COVID-19 without the  
30 express written consent of the employee or student.

31           3. (1) The department of higher education and  
32 workforce development shall investigate any report of a  
33 violation of this section. If the department determines  
34 that any institution of higher education or employee has  
35 violated this section, the department shall notify the  
36 violator of the violation and order the violator to  
37 immediately cease and desist any further activity in  
38 violation of this section.

39           (2) If an employee violates this section and such  
40 school employee possesses a license issued by any department  
41 of this state, the department shall fine such employee in an  
42 amount not to exceed five thousand dollars for each  
43 violation. The department may suspend or revoke such  
44 employee's license under state law.

45           (3) Any student, parent or guardian of such student,  
46 other family member of such student, or employee may bring a  
47 civil action against a violator of this section for  
48 appropriate injunctive relief or actual damages, or both,  
49 for any physical, mental, or emotional injuries sustained by  
50 such individual as a result of a violation of this section

51 by an institution of higher education or an employee. Such  
52 action shall be brought in the county where the violation  
53 occurred, and the court shall award damages and court costs  
54 to a prevailing plaintiff.

✓